PSEM-18-06

March 12, 2018

**MEMORANDUM FOR DIVISION OF SENIOR & DISABILITY SERVICES ADULT PROTECTIVE SERVICES STAFF**

From: Kathryn Sharp Sapp, Bureau Chief 

 Division of Senior and Disability Services

 Adult Protective Services Policy Unit

Subject: Consulting with Office of General Counsel

This memo provides additional information to PSEM-18-02, released December 20, 2017, regarding the need to contact the Adult Protective Services (APS) Policy Unit prior to contacting Office of General Counsel (OGC) on referrals for guardianship and/or conservatorship.

**New Guardianship/Conservatorship Referrals:**

* Prior to submitting any new referrals, staff shall consult their supervisor and/or Regional Manager to determine if they can proceed with recommending guardianship or conservatorship. The APS Policy Unit may be consulted if there is still a question about the possible referral after proceeding through the supervisory chain.
* All **new** guardianship/conservatorship referrals shall be directed to the APS Policy Unit. One of the following will occur:
* The APS Policy Unit will enter the information into the OGC database and email the person making the referral of the action. If the referral is accepted by OGC, an attorney will be assigned and OGC will contact the referring staff. Once an attorney has contacted the APS staff person, APS staff may contact the assigned attorney directly for updates or questions.
* Until referring staff have been contacted by OGC regarding the referral, APS staff shall continue to inquire/update the referral through the APS Policy Unit.
* The APS Policy Unit will not enter the referral into the OGC database until all necessary documentation and information has been obtained. The APS policy unit will notify the person who made the request and specify what additional information is needed.
* If it has been determined that more information/case history is needed prior to considering a guardianship/conservatorship referral and direction is needed regarding what actions to take with a case, the APCS and RM shall be consulted. The APS Policy Unit may be consulted if needed after proceeding through the supervisory chain.
* Interrogatories are essential elements of a guardianship/conservatorship referral, even if there are other medical records included. The only exception is during instances in which a successor guardian/conservator is being sought.

**Current/Existing Guardianship/Conservatorship Referrals:**

* For an update on an existing referral or to provide additional information on referrals with an attorney assigned, the assigned attorney may be contacted directly.

**Legal Questions**

* For legal questions on referrals with an attorney assigned, the assigned attorney may be contacted directly. All other legal questions must be discussed through supervisory channel, up through the Regional Manager. The APS Policy Unit is available for case consultation.

All questions should be cleared through normal supervisory channels and directed to Amanda Veltrop at APSPolicy@health.mo.gov or by calling 573-526-5391.

KSS/av